

**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

**In re: Earnest Winfree (deceased) &
Dorothy Winfree**

**Case No. 10-37290-KRH
Chapter 13**

Debtors

Debtors' Address: 1712 Fox Creek Circle
Richmond, Virginia 23238

Last four digits of Social Security No.: xxx-xx-9368 (Debtor)

Last four digits of Social Security No.: xxx-xx-2624 (Joint Debtor)

**NOTICE OF AMENDED MOTION FOR WAIVER OF THE REQUIREMENT FOR
DEBTOR EARNEST WINFREE'S CERTIFICATION OF COMPLIANCE WITH
11 U.S.C. §1328 AND REQUIREMENT TO COMPLETE THE DEBTOR'S EDUCATION
COURSE**

The above named Debtors, by counsel, have filed a Motion for Waiver of the Requirement for Debtor Earnest Winfree's Certification of Compliance with 11 U.S.C. § 1328 and waiver of the requirement to complete the Debtor's Education Course. Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one.

NOTICE IS HEREBY GIVEN THAT A HEARING ON THIS MOTION WILL BE HELD ON September 8, 2015 at 12:00 p.m. in Honorable Kevin R. Huennekens's Courtroom, U.S. Bankruptcy Court, 701 E. Broad Street, Room 5000, Richmond, VA 23219.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one. Pursuant to Local Bankruptcy Rule 9013-1(H), notice is hereby given that, unless a written response is filed with the Clerk of Court and served on the moving parties not later than seven (7) days before the hearing to be set on this Motion, objecting to the relief requested, the Court may deem any opposition waived, treat the Motion as conceded, and issue an order granting the requested relief.

Barry W. Spear (VSB #39152)
Amanda Erin DeBerry (VSB #83805)
Boleman Law Firm, P.C.
P. O. Box 11588
Richmond, VA 23230-1588
Telephone (804) 358-9900
Counsel for Debtors

**PURSUANT TO LOCAL RULE 9013-1(H), NOTICE IS HEREBY GIVEN THAT
ANY OBJECTION TO THIS MOTION SHALL BE MADE
NOT LATER THAN SEVEN (7) DAYS BEFORE THE HEARING ON THIS MOTION.**

If you want to be heard on this matter, you or your attorney must:

1. File with the court, at the address below, a written response pursuant to Local Rule 9013-1(H). If you mail your response to the Court for filing, you must mail it early enough so that the Court will **receive** it on or before the date stated above.

Clerk of Court
United States Bankruptcy Court
701 E. Broad Street, Room 4000
Richmond, VA 23219-3515

2. You must also mail a copy to:

Boleman Law Firm, P.C.
P. O. Box 11588
Richmond, VA 23230-1588

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion and may enter an Order granting that relief.

Respectfully submitted,

**Earnest Winfree (deceased)
Dorothy Winfree**

By Counsel:

/s/ Amanda Erin DeBerry
Barry W. Spear (VSB# 39152)
Amanda Erin DeBerry (VSB #83805)
Boleman Law Firm, P.C.
P. O. Box 11588
Richmond, Virginia 23230-1588
Telephone (804) 358-9900
Counsel for Debtors

CERTIFICATE OF SERVICE

I certify that on August 25, 2015 I have transmitted a true copy of the foregoing document electronically through the Court's CM/ECF system or by mail to the Debtor, Chapter 13 trustee, the United States trustee if other than by the electronic means provided for at Local Bankruptcy Rule 2002-1, and to all creditors and parties of interest in the mailing matrix attached hereto.

/s/ Amanda Erin DeBerry
Counsel for Debtors

**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

**In re: Earnest Winfree (deceased) &
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Debtors

**Case No. 10-37290-KRH
Chapter 13**

**AMENDED MOTION FOR WAIVER OF THE REQUIREMENT FOR DEBTOR
EARNEST WINFREE CERTIFICATION OF COMPLIANCE WITH 11 U.S.C. §1328 AND
WAIVER OF REQUIREMENT TO COMPLETE THE DEBTOR'S EDUCATION
COURSE**

COMES NOW Earnest Winfree and Dorothy Winfree (the "Debtors"), by counsel, pursuant to 11 U.S.C. § 1328(b) and file the following Motion for Waiver of the Requirement for Debtor Earnest Winfree's Certification of Compliance with 11 U.S.C. § 1328 and Waiver of the Requirement to Complete the Debtor's Education Course.

Jurisdiction

1. Jurisdiction of this Court over the instant matter is based upon 28 U.S.C. §§1334 and 157 in that this action arises in and relates to the bankruptcy case of the Debtors, a Chapter 13 case having been filed in this Court on October 19, 2010 (hereinafter the "Petition Date").

2. This proceeding is a core proceeding under 28 U.S.C. §157(b)(2)(A).

3. Venue is proper pursuant to 28 U.S.C. §1409.

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Counsel for Debtors

Background Facts

4. On October 19, 2010, the Debtors filed in this Honorable Court a petition for relief under Chapter 13 of the Bankruptcy Code, 11 U.S.C. §§ 1301 et seq. (the “instant case”). Carl M. Bates is currently serving as Chapter 13 Trustee in this case (the “Trustee”).

5. The Chapter 13 Plan (“the Plan”) was filed on October 21, 2010, and confirmed by order of the Court on January 14, 2011.

6. Mr. Winfree passed away in September of 2012. Therefore, completing the Debtor’s Education Course and signing the Debtor’s Certification of Compliance with 11 U.S.C. §1328 is impossible.

7. Mrs. Winfree completed the Instructional Course Concerning Personal Financial Management on August 3, 2015, and has signed the Debtor’s Certification of Compliance with 11 U.S.C. §1328.

WHEREFORE, for the foregoing reasons, Mrs. Winfree respectfully requests that the Court waive the requirements for the Debtor Earnest Winfree’s Certification of Compliance with 11 U.S.C. §1328 and completion of the Debtor’s Education Course and for such other and further relief as is just and appropriate.

Earnest Winfree (deceased)
Dorothy Winfree
By Counsel:

By: /s/ Amanda Erin DeBerry

Barry W. Spear (VSB# 39152)
Amanda Erin DeBerry (VSB #83805)
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Counsel for Debtors

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/s/ Amanda Erin DeBerry
Counsel for Debtors

Office of the US Trustee
701 E. Broad Street
Room 4304
Richmond, VA 23219

Advance America
3806 Mechanicsville TnPk
Richmond, VA 23223

AFNI
Re: Verizon VA
404 Brock Dr., PO Box 3427
Bloomington, IL 61702-3427

Allied Interstate
Re: Advance America
PO Box 361774
Columbus, OH 43236

American Family Fitness
Corporate Office
4435 Waterfront Drive, #304
Glen Allen, VA 23060

Arrow Financial Service
Re: HSBC
5996 W Touhy Ave
Niles, IL 60714

Bon Secours Richmond Health Sy
RE: Bankruptcy
P.O. Box 28538
Richmond, VA 23228

Capital One
PO Box 71083
Charlotte, NC 28272-1083

CBC, Inc.
Re: Bankruptcy
PO Box 6220
Charlottesville, VA 22906-6220

CBC, Inc.
Re: Commonwealth Lab Cons.
PO Box 6220
Charlottesville, VA 22906-6220

Chase
Attn: Bankruptcy Dept
201 N. Walnut Street
Wilmington, DE 19801

Chase Recievables
Re: Verizon Wireless
1247 Broadway
Sonoma, CA 95476

Check \$mart
7015 A. Staples Mill Road
Richmond, VA 23228

Check \$mart
d/b/a Buckeye Check Cashing Co
7001 Post Road
Dublin, OH 43016

Comcast
5401 Staples Mill Road
Richmond, VA 23228-5443

Commonwealth Lab Consultants
Attn: Bankruptcy Dept.
1401 Johnston Willis Dr
Richmond, VA 23235-4730

Commonwealth Radiology
Re: Bankruptcy
1508 Willow Lawn Dr, Ste 117
Richmond, VA 23230

Continental Emergency Services
111 Bulifants Blvd
Suite B
Williamsburg, VA 23188-5711

County of Henrico
Public Utilities
P.O. Box 90775
Henrico, VA 23273-0775

CRED MGMT
Re: Comcast
4200 International Pkwy
Carrollton, TX 75007

Credit Collection Services
Re: Victoria Insurance
Two Wells Avenue, Dept. 9134
Newton, MA 02459

Credit Collection Services
Re: Labcorp
Two Wells Avenue
Newton, MA 02459

Diligentsia Capital Group LLC
c/o Recovery Management System
25 SE 2nd Avenue, Ste 1120
Miami, FL 33131-1605

Dominion Law Associates
Re: Capital One
222 Central Park Avenue
Virginia Beach, VA 23462-3026

Dominion VA Power
Attn: Bankruptcy Group
P.O. Box 26666
Richmond, VA 23261

Dr. Clifford A. Roffis
4811 South Laburnum Ave
Richmond, VA 23231

Equable
5 Revere Drive
Suite 206
Northbrook, IL 60062

Express Check Advance
5203 S. Laburnum Ave
Richmond, VA 23231

Henrico Doctor's Hospital
Attn: Legal Dept.
P.O. Box 13620
Richmond, VA 23225

Henrico Doctor's Hospital
c/o Resurgent Capital Services
PO Box 1927
Greenville, SC 29602

HSBC
Attn: Bankruptcy Department
PO Box 5253
Carol Stream, IL 60197

Labcorp
Re: Bankruptcy Dept.
PO Box 2240
Burlington, NC 27216

Law Office of Joe Pezzuto LLC
Re: Chase
4013 E. Broadway, Suite A2
Phoenix, AZ 85040

LCA Collections
Re: LabCorp
1250 Chapel Hill Road
Burlington, NC 27215

MCV Physicians
RE: Bankruptcy
P.O. Box 91747
Richmond, VA 23291-1747

Memorial Regional Medical Cent
P.O. Box 28538
Richmond, VA 23228

MiraMed Revenue Group, LLC
Re: Memorial Regional Med Ctr
PO Box 536
Linden, MI 48451-0536

Natural Gas Company of VA, Inc
219 West Broad Street
Richmond, VA 23220-4259

NCO
Re: Henrico Doctor's Hosp.
507 Prudential Road
Horsham, PA 19044

Paredes Institute for Womens
Imaging
4480 Cox Road, Ste 100
Glen Allen, VA 23060

PlatePass
PO Box 59995, H1
Phoenix, AZ 85076-9995

Portfolio Recovery
Re: Bankruptcy
120 Corporate Blvd, #100
Norfolk, VA 23502

Regional Acceptance Corp.
BK Section/100-50-01-51
PO Box 1847
Wilson, NC 27894-1847

Richmond Community Hospital
Attn: Bankruptcy Department
P.O. Box 27184
Richmond, VA 23261

Sarah J. Zecca, Esq.
Re: HSBC/Arrow Fin. Serv.
222 Central Park Ave
Virginia Beach, VA 23462

Second Round, LP
Re: Express Check Advance
PO Box 1361
San Marcos, TX 78667-1361

Spinella, Owings & Shaia
Re: Richmond Community Hosp.
8550 Mayland Drive
Richmond, VA 23294-4704

The Bourassa Law Group
Re: Chase
PO Box 28039
Las Vegas, NV 89126

United Consumers, Inc.
Re: Bankruptcy
PO Box 4466
Woodbridge, VA 22194-4466

VACUINC
Re: Bankruptcy
P.O. Box 90010
Richmond, VA 23225

VCU Health System
701 E. Franklin St.
13th Floor
Richmond, VA 23219

Verizon
RE: Bankruptcy
PO Box 660720
Dallas, TX 75266-0720

Verizon Virginia Inc
RE: Bankruptcy
500 Technology Dr, Stop 1
Saint Charles, MO 63304-2225

Verizon Wireless
Bankruptcy Dept.
PO Box 3397
Bloomington, IL 61702

Victoria Insurance
Re: Bankruptcy
5915 Landerbrook Dr.
Cleveland, OH 44124-4058

Virginia Women's Center
Div. Summit Health Care
7130 Glen Forest Drive Ste 101
Richmond, VA 23226-1922

West Asset Management
Re: Henrico Doctor's Hosp.
PO Box 1022
Wixom, MI 48393-1022

WFNNB
P.O. Box 182125
Columbus, OH 43218-2125